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September 22, 2006

## **VIA HAND DELIVERY AND E-MAIL**

The Honorable Vincent J. Poppiti Blank Rome LLP Chase Manhattan Centre 1201 Market Street, Suite 800 Wilmington, DE 19801

> Re: Paul et al. v. Intel, Consolidated Civil Action No. 05-485-JJF; Advanced MicroDevices, Inc. v. Intel et al., Civil Action No. 05-441-JJF; In re Intel Corp., C.A. No. 05-1717 -JJF

Dear Special Master Poppiti:

Class Plaintiffs write this letter brief in further support of Your Honor's current allocation of monthly Special Master fees and expenses incurred in the above-referenced actions and in response to Richard Horowitz's September 15 letter submitted on behalf of Intel.

Intel proposes a Special Master fee allocation scheme in which Class Plaintiffs would pay one-third of the total Special Master fees incurred in both the consolidated class action and the AMD action. Adopting this proposal would amount to a requirement that Class Plaintiffs subsidize a portion of Intel's litigation costs incurred in a case to which no Class Plaintiff is a party. Intel seeks to shift a portion of the burden of defending against two different cases onto Class Plaintiffs. Such a result would be inequitable and would contravene the language of this Court's orders separately appointing Your Honor as special master in the two cases. See Special Master Order ¶10 (Special Master fees are to be "shared equally by the parties").

In support of its argument, Intel references the Special Master fee allocation schemes in two cases – *CEA* and *LG v. Viewsonic and Tatung*. Each, however, is a single action. Here, of course, there are two separate actions brought by two unrelated groups of plaintiffs -- end-users of x86 microprocessors and Intel's competitor in the x86 microprocessor market. These different actions will be tried separately, at different times, in different courts, and will seek different types of damages.

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For these reasons, Your Honor's current fee allocation in which Intel, the common defendant, pays fifty percent of the Special Master fees in Consolidated Civil Action No. 05-485-JJF and fifty percent of the fees in C.A. No. 05-441, is proper and equitable.

Respectfully submitted,

JAMES L. HOLZMAN

JLH/sam

cc: Frederick L. Cotttrell, III, Esquire (By electronic mail)

Richard L. Horwitz, Esquire (By electronic mail)